

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION

APPLICANT:	Tom Weidner	CONFIRMATION NO. 3480
SERIAL NO.:	10/659,230	GROUP ART UNIT: 2615
FILED:	September 10, 2003	EXAMINER: Daniel Swerdlow
TITLE:	FEEDBACK COMPENSATION METHOD AND CIRCUIT FOR AN ACOUSTIC AMPLIFICATION SYSTEM, AND HEARING AID DEVICE EMPLOYING SAME	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

A Notice of Abandonment was mailed with regard to the above-referenced application on August 3, 2007. The reason for the abandonment was because the application was on appeal before the Board of Patent Appeals and Interferences, and while the appeal is pending, an improper RCE was filed. The purpose of filing the RCE was to permit examination of the application with regard to a reference that came to the attention of the undersigned representative of the Applicant after the Appeal Brief had been filed. The RCE was accompanied by an Information Disclosure Statement citing that reference, but did not include a response to the Final Rejection. In view of the absence of a response to the Final Rejection, the RCE was treated as improper. The effect of the filing of an improper RCE was the automatic withdrawal of the appeal. Since no claims have been allowed, the result of the withdrawal of the appeal was abandonment of the application.

As evidenced by the filing of the RCE, it clearly was not the intent of the Applicant to abandon the present application, but rather Applicant had the opposite intent of desiring to continue prosecution of the application with consideration of the recently-discovered prior art. Applicant now realizes that under those circumstances, a "normal" continuation application should have been filed in order to permit examination of the application with regard to the newly-discovered prior art.

It is still the intention of the Applicant to continue prosecution of this application in a continuation application. The present Petition is being filed to request withdrawal of the holding of abandonment and reinstatement of the application to the same active status as existed prior to the filing of the RCE. This means that the appeal would be reinstated. If the present Petition is granted, Applicant will then simultaneously withdraw the appeal and file the continuation application. Unless and until the present Petition is granted, however, there is no reason to file the continuation application.

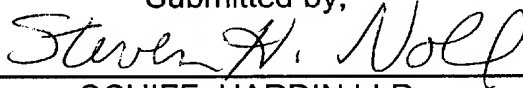
At the time the improper RCE was filed, the only further item that might have been filed by the Applicant was a Reply Brief, which would have been due on July 7, 2007. Applicant did not intend to file a Reply Brief, and therefore there are no further documents that must accompany the present Petition in order to satisfy 37 C.F.R. §1.137(b)(1). The date for filing a Reply Brief is non-extendable, and therefore no extension fees are necessary to make the application current.

The present Petition is accompanied by electronic payment in the amount of \$1,500.00 for the fee required by 37 C.F.R. §1.17(m) in satisfaction of 37 C.F.R. §1.137(b)(2).

As noted above, there was no "required reply" that was not filed that resulted in the abandonment. In satisfaction of 37 C.F.R. §1.137(b)(3), therefore Applicants state that the entire delay from the filing of the improper RCE until the filing of the present Petition was unintentional.

Granting of the present Petition is therefore respectfully requested.

Submitted by,



(Reg. 28,982)

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